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7 THE HONORABLE BENJAMIN H. SETTLE
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12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON
14 AT TACOMA
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17 JAMES A. BIGELOW,

18 Plaintiff,

19 vs.

20 GREEN TREE SERVICING, LLC,

21 Defendant, Third-Party Plaintiff,

22 vs.

23 CAROLYN BIGELOW, *ET AL*,

24 Third Party Defendant

25 Case No.: 3:14-cv-05798-BHS

AFFIDAVIT OF TIMOTHY DIETZ

Now comes the Affiant, Timothy Dietz, a citizen of the United States and the State of Washington over the age of 21 years, and declares as follows, under penalty of perjury:

I currently reside at 10018 Cascadian Ave SE, Yelm, Washington, 98597. On or about January 22, 2015, after returning home after work, my wife, Jody Dietz, told me that someone had stopped by the house and left some papers with her. She handed me these papers and I saw one copy of a Counterclaim and Third-Party Complaint for Judicial Foreclosure, one

AFFIDAVIT

Timothy Dietz, Occupant
10018 Cascadian Ave SE
Yelm Washington 98597

copy of a Declaration of Military Search, and one copy of a Lis Pendens. What I did not see was a summons. On or about March 1, 2015, I received correspondence in the mail addressed to the current occupant at 10018 Cascadian Ave SE, Yelm, Washington, 98597. There was no return address on the envelope nor was there a cover letter, so there is no way of knowing where this correspondence was mailed from. Inside the envelope was court papers related to a third party complaint in 3:14-cv-05798-BHS. On or about March 3, 2015, I logged into PACER and noticed that summons for the third party complaint had been filed into the record. One to Current Occupant (Dkt 38), and one to Carolyn Bigelow (Dkt 41). Both were allegedly delivered to Jackie Deets at 10018 Cascadian Ave SE, Yelm, Washington, 98597. I know from personal knowledge that there is no Jackie Deets at that address. I know from personal knowledge that there were no summons delivered to that address.

Dated March 23, 2015.



Timothy Dietz

CERTIFICATE OF SERVICE

I CERTIFY UNDER PENALTY OF PERJURY under the laws of the State of Washington that the foregoing is true and correct and that a copy of the foregoing has been electronically provided to Renee M. Parker, Esq., and Joseph H. Marshall, Esq.

Executed this 23rd day of March, 2015.



Timothy Dietz

VERIFICATION

STATE OF WASHINGTON

AFFIDAVIT

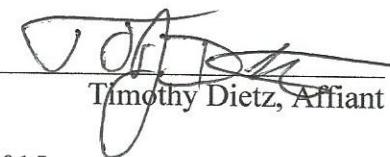
Timothy Dietz, Occupant
10018 Cascadian Ave SE
Yelm Washington 98597

1
2 **COUNTY OF THURSTON**
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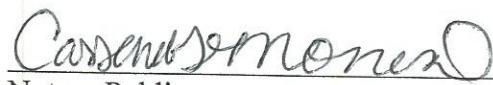
4 BEFORE ME personally appeared Timothy Dietz who, being by me first duly sworn
5 and identified in accordance with Washington law, deposes and says:
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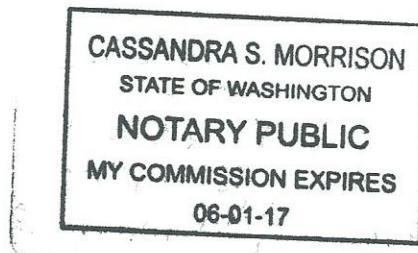
- 7 1. My name is Timothy Dietz, Affiant herein.
- 8 2. I have read and understood the attached foregoing herein, and each fact alleged therein is
9 true and correct of my own personal knowledge.

10 FURTHER THE AFFIANT SAYETH NAUGHT.
11

12 
13 Timothy Dietz, Affiant

14 SWORN TO and subscribed before me this 23rd day of March, 2015.
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16 
17 Cassandra S. Morrison
18 Notary Public
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AFFIDAVIT

Timothy Dietz, Occupant
10018 Cascadian Ave SE
Yelm Washington 98597